Applicant(s)
 : Moshman et al.
 Customer No.
 : 62965

 Serial No.
 : 10/776,333
 Confirmation No.
 : 1725

 Filed
 : 02/10/2004
 Group Art Unit
 : 1615

Examiner : Mercier, Melissa S.

For : CONTROLLED RELEASE FORMULATIONS

## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Enclosed herewith are patents and/or publications for consideration by the Patent and Trademark Office in regard to the invention claimed in the above-identified application. In compliance with 37 C.F.R. §1.56, such documents are listed on the enclosed Form PTO-1449.

This Information Disclosure Statement is submitted according to the following selected paragraph(s):

$\boxtimes$	This Information Disclosure Statement is being filed under 37 C.F.R. §1.97(b) (1) within
	three months of the filing date of a national application other than a continued
	prosecution application under 37 C.F.R. § 1.53(d); (2) within three months of the date of
	entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application;
	(3) before the mailing of a first Office action on the merits; or (4) before the mailing of a
	first Office action after the filing of a request for continued examination under 37 C.F.R.
	§ 1.114.

This Information Disclosure Statement is being filed under 37 C.F.R. §1.97(c) prior to either a final action or a notice of allowance. Payment for the fee required by 37 C.F.R. §1.17(p) is hereby authorized to be charged to Deposit Account No. 02-4377.

This Information Disclosure Statement is being filed under 37 C.F.R. §1.97(c), with a				
statement under, 37 C.F.R. §1.97(e) prior to either a final action or a notice of allowance				
The undersigned hereby states that (check one):				
	each item of information contained in the information disclosure statement was			
	first cited in any communication from a foreign patent office in a counterpart			
	foreign application not more than three months prior to the filing of the			
	information disclosure statement.			
	no item of information contained in the information disclosure statement was			
	cited in a communication from a foreign patent office in a counterpart foreign			
	application, and, to the knowledge of the person signing the certification after			
	making reasonable inquiry, no item of information contained in the information			
	disclosure statement was known to any individual designated in 37 C.F.R. §			
	1.56(c) more than three months prior to the filing of the information disclosure			
	statement.			
This Information Disclosure Statement is being filed under 37 C.F.R. §1.97(d), with a				
statement under 37 C.F.R. §1.97(e), after a final action or a notice of allowance but prior				
to payment of the issue fee. Payment for the fee required by 37 C.F.R. §1.17(p) is herel				
authorized to be charged to Deposit Account No. 02-4377. The undersigned hereby				
petitions that this Information Disclosure Statement be considered prior to issuance of the				
patent.	The undersigned hereby states that (check one):			
	each item of information contained in the information disclosure statement was			
	first cited in any communication from a foreign patent office in a counterpart			
	foreign application not more than three months prior to the filing of the			
	information disclosure statement.			
	no item of information contained in the information disclosure statement was			
	cited in a communication from a foreign patent office in a counterpart foreign			
	application, and, to the knowledge of the person signing the certification after			
	making reasonable inquiry, no item of information contained in the information			
	disclosure statement was known to any individual designated in 37 C.F.R. §			
	1.56(c) more than three months prior to the filing of the information disclosure			
	statement.			

NY02:687106.1 -2-

The references listed on the accompanying PTO-1449 were either cited by the Examin				
or previously submitted in parent applica	ation U.S. Serial No	, filed		
Pursuant to 37 C.F.R. § 1.9	8(d), the references are no	ot required if the earlier		
application is identified and relied upon	for an effective filing date	e under 35 U.S.C. § 120		
and therefore are not enclosed herewith.				
Co-Pending Patent Applications Disclosure				
Applicants would like to bring to the attention of the Examiner the following co-pending				
patent applications, which are also listed on the accompanying PTO-1449:				
Patent No./Serial No.	Filin	g Date		
AND THE RESERVE OF THE PERSON				
	or previously submitted in parent applic  Pursuant to 37 C.F.R. § 1.9 application is identified and relied upon and therefore are not enclosed herewith.   Co-Pending Patent A Applicants would like to bring to the att patent applications, which are also listed	or previously submitted in parent application U.S. Serial No  Pursuant to 37 C.F.R. § 1.98(d), the references are not application is identified and relied upon for an effective filing data and therefore are not enclosed herewith.  Co-Pending Patent Applications Disclosure  Applicants would like to bring to the attention of the Examiner th patent applications, which are also listed on the accompanying PT		

## Disclosure of Office Actions in Co-Pending Applications

Applicants would like to bring to the attention of the Examiner the following Office Actions issued in the co-pending patent application, which are also listed on the accompanying PTO-1449:

Patent No./Serial No.	Date of Office Action or Response
12/049,893	4/19/2010, Non-Final Rejection

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If the Examiner applies the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of the documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should the documents be applied against the claims of the present application.

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Applicants believe no additional fee is due in connection with this submission. However, if any additional fee is due, or if any overpayment has been made, the Commissioner is authorized to charge any such fee or credit any overpayment to our Deposit Account No. 02-4377.

Respectfully submitted,

BAKER BOTTS L.L.P.

Jason Chumney D Registration No.: 54,781

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20 October 2010

Date